

*Ex 1 6/4/15*

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5 UNITED STATES BANKRUPTCY COURT  
67 DISTRICT OF NEVADA  
8

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9 IN RE:

CASE NO.: 14-50333-BTB

10 ANTHONY THOMAS, and  
11 WENDI THOMAS,

CASE NO.: 14-50331-BTB

(Chapter 7)

12 AT EMERALD, LLC,

[lead case jointly administered]

13 Debtors.

HRG. DATE: \_\_\_\_\_

AND TIME: \_\_\_\_\_  
14 \_\_\_\_\_ /15 **MOTION TO WITHDRAW AS COUNSEL OF RECORD**

16 COMES NOW, MICHAEL LEHNERS, ESQ., attorney of record for the  
17 Debtors, ANTHONY and WENDI THOMAS, and hereby moves this Honorable  
18 Court for an order permitting him to withdraw as attorney of record for the  
19 Debtors.  
20

21 This request for withdrawal is based upon the following memorandum of  
22 points and authorities.

23 **MEMORANDUM OF POINTS AND AUTHORITIES**  
24

25 There has been no judgment or final determination in the above-entitled  
26 case. Rule 46 of the Nevada Supreme Court Rules, Withdrawal or Change of  
27 Attorney, states in pertinent part:  
28

1 "The attorney in an action or special proceeding may be changed at any  
2 time before a judgment or final determination as follows:

3 (1) Upon consent of attorney, approved by client;  
4 (2) Upon the order of the court or judge thereof on the application of  
5 the attorney of the client;  
6 (3) After judgment or final determination, an attorney may withdraw  
7 as attorney of record any time upon the attorney' filing of  
8 withdrawal, with or without the client's consent."

9 C.E.B. California procedure before trial, section 81, page 53, states in  
10 pertinent part:

11 "Care should be taken to recite only a minimum of necessary detail as to  
12 the difference existing between attorney and client so that the client will  
13 not be unduly prejudice by a statement spread on the record. The court  
14 should be liberal in granting the motion because of the highly  
15 confidential relationship that must exist between attorney and client to  
16 successfully prosecute or defend a case."

17 Counsel was retained by the Debtors for very limited purpose and these  
18 services have been completed. The Debtors have not retained Counsel for any  
19 additional service and Counsel needs to withdraw in this matter. Counsel has  
20 already advised the court he would be withdrawing.

21 WHEREFORE, Movant requests this Court to enter an order permitting  
22 him to withdraw as attorney for record for Debtors.

23 DATED this \_\_\_\_ day of June, 2015.

24  
25 MICHAEL LEHNERS, ESQ.  
26 Attorney for Debtors.  
27  
28

## **AFFIDAVIT OF MICHAEL LEHNERS**

STATE OF NEVADA )  
 ) ss.  
COUNTY OF WASHOE )

I, MICHAEL LEHNERS, do hereby swear under penalty of perjury that the assertions of this affidavit are true.

1. That affiant is an attorney licensed to practice law in all the Courts of the State of Nevada.

2. That affiant was retained by Debtors to assist them in the pending Chapter 7 Bankruptcy on a very limited basis.

3. Counsel has completed all the work that he was retained for and it is now necessary for him to withdraw. Counsel has further advised the court that he would be filing the pending motion.

MICHAEL LEHNERS

SUBSCRIBED and SWORN to before me  
this 4 day of June, 2015.

**NOTARY PUBLIC**

